

EVIDENCE APPENDIX

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Copy of Declaration of Mr. Casey William Norman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	: 3712	Customer No.: 035811
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Inventors	: Casey William Norman	Docket No.: 1391-CON-00
	: Torquil Patrick Alexander Norman	Confirmation No.: 1969
Title	: DOLLS CLOTHING	

Declaration of Mr. Casey William Norman

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Casey William Norman, declare that I reside at Thornhill, Withington Road, Andoverford, Gloucestershire GL54 4LL, United Kingdom. I worked for the UK company Bluebird Toys plc for seven years, the last four of those as Development Director. Subsequently I founded the company Genie Toys plc in 1996, in which I currently serve as its Managing Director.

I am a co-inventor of the above-identified Application. I am familiar with the Official Action dated September 24, 2003 and have thoroughly studied the prior art used to reject the claims in the Application. As a result of my long experience in the toy industry, I can unequivocally state that the prior art utilized to reject the claims in the Application does not render those claims obvious. Rejection of the claims is based on the use of hindsight, not actual teachings or suggestions gleaned from the prior art.

The subject matter of the claims in this Application has been commercialized. That commercialization has been a resounding success beyond my expectations. That commercial success resulted from the inventive features of this invention and not from advertising or promotional efforts beyond standard efforts consistent with industry norms. In other words, products that have been commercialized based on the subject matter claimed in this Application have enjoyed commercial

success far beyond what could reasonably be expected compared to other toy products with the same investment in advertising and promotional dollars.

The subject matter that is claimed in this Application has been licensed to a well known toy manufacturer. That subject matter has revolutionized fashion play in small dolls. As a result, the licensee has sold over \$440,000,000 of product around the world and over \$220,000,000 in the United States within the last five years (calculated through the end of this year). A Table indicating the sales for years 1999 through 2003 is set forth below.

<u>Year</u>	<u>Worldwide</u>	<u>USA</u>
1999	8	7.5
2000	30	15
2001	78	38
2002	127	62
2003	200	100
Total	443	222.5

It is important to note that the sales figures set forth above do not include sales of boys' doll figures to licensees other than the licensee mentioned above. Also, to obtain the retail value of the above sales figures, it would be necessary to increase substantially the numbers in the Table. (Those numbers would be the licensee's reported sales value.) Thus, sales of product within the scope of the claims of this Application may have exceeded one billion dollars in five years at retail value worldwide.

The product mentioned above has been sold under the name "Fashion Polly" (under the Polly Pocket brand). This product was awarded the "Girl's Inventor Product of the Year" by Mattel, which

is the world's largest toy company. This is an important award in the industry and is highly sought after. The features of the product, the way in which it has transformed the small dolls segment of the industry and the rapid increase in sales indicate the importance of the advance this invention has brought about. In fact, this single product innovation has rescued a brand name (Polly Pocket) from the verge of extinction in 1999. Polly Pocket is now the bestselling small doll in the world as a consequence of the molded elastic clothes product that is the subject matter of the claims of this Application.

As I noted above, the amount of advertising and promotional efforts spent on the product is actually below the "spend-to-sales ratio" of competitive toys. Further, it is different from many peer products in girls and boys' toys because it has not been the subject of any cartoon or other entertainment support or typical merchandising campaigns (for example, such as are typical of Disney properties).

Finally, one of the best indicators of the advance made by this product is the fact that the product is now being copied by other toy manufacturers in an effort to share in the financial success brought about by this product.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and thus such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 16th December 2008

Casey William Norman
Casey William Norman, co-inventor